

Although independent claims 1 and 10 were amended by the February 22, 2005 Amendment, the amendments were for the sake of clarity only in view of the Examiner's continued confusion regarding the claims. As discussed throughout prosecution, Van Dyke fails to disclose, teach or suggest setting a retrieval condition and setting an access right. Applicant sought to clarify the feature of the retrieval condition.

However, Applicant specifically argued that Van Dyke does not disclose, teach or suggest setting both a retrieval condition and an access right. Applicant respectfully points out that the language added to independent claims 1 and 10 was not relied upon in Applicant's arguments to overcome the rejection based on Van Dyke. As specifically pointed out in the Remarks of the February 22, 2005 Amendment, claims 1 and 10 were not narrowed by the amendments. Claims 1 and 10 were amended to recite that the retrieval condition is defined based on at least one attribute of the object to correlate the retrieval condition with its function of retrieving the object. Thus, the amendments to the claims only made explicit that which was implicit in the recitation of "a retrieval condition for retrieving an object."

The failure of the previous Office Action to distinguish between an access right and a retrieval condition was fatal to its reliance on Van Dyke. Thus, withdrawal of the rejection based on Van Dyke was required regardless of the clarifying language. Van Dyke simply does not disclose anything that could reasonably be considered to be any kind of a retrieval condition for retrieving an object as recited in unamended claims 1 and 10.

Therefore, the assertion that Applicant's amendment of the claims necessitated the new grounds of rejection is inaccurate. In accordance with MPEP 706.07(a), a final rejection based on new grounds is improper when not necessitated by amendment of the claims or based on information submitted in an information disclosure statement. Accordingly, withdrawal of the finality of the rejection is respectfully requested.

II. Rejection Under 35 U.S.C. 103(a)

Claims 1-18 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application No. 2001/0056421 A1 to Tada et al. ("Tada") in view of U.S. Patent No. 6,189,032 to Susaki et al. ("Susaki"). This rejection is respectfully traversed.

Claim 1 recites an object management method for performing access control for a stored object, including defining a retrieval condition for retrieving an object, setting an access right in association with the retrieval condition, setting an identifier for identifying the object, and performing access control for the object matching the retrieval condition and the identifier on the basis of the access right.

Claim 10 similarly recites an object management system performing access control for an object stored in object storing means, including access control means for managing a retrieval condition for retrieving an object, an identifier set for identifying the object, and an access right that has been set in association with the retrieval condition, thereby controlling access to the object; and retrieval means for retrieving an object stored in the object storing means on the basis of the retrieval condition and the identifier. As recited in claim 10, the access control means performs access control for an object matching the retrieval condition and the identifier on the basis of a retrieval result by the retrieval means.

Applicant respectfully submits that neither Tada nor Susaki, either alone or in permissible combination, discloses, teaches or suggests the combination of features recited in claim 1 and 10.

The Office Action asserts that Tada discloses every feature recited in claims 1 and 10, except for "setting an identifier for identifying the object and performing access control for the object." Applicant respectfully submits that Susaki does not make up for these admitted deficiencies of Tada.

While Susaki clearly is directed to controlling access rights to services by a user of a client terminal, Susaki does not disclose, teach or suggest setting an identifier for identifying an object, as recited in claims 1 and 10. The Office Action does not specifically identify the feature disclosed by Susaki that allegedly corresponds to an identifier for identifying an object. The Office Action, however, refers to an “identifier of object such as file or service” and cites Figs. 4, 5 and 6 and column 7, lines 36-65 of Susaki. Applicant assumes that the Office Action meant to cite Figs. 4, 5 and 7, because Fig. 6 of Susaki fails to disclose any identifier.

Figs. 4, 5 and 7 of Susaki disclose user information that may be stored in a user control file, a service control file and a log-in control table, respectively. None of the information in the files of the table relates to an object identifier for identifying an object (having a retrieval condition as recited in claims 1 and 10). Figs. 4 and 7 of Susaki clearly only show user identifiers. Fig. 5 clearly only shows service identifiers. Neither of these identifiers disclosed by Susaki can reasonably be considered to be an object identifier for retrieving an object as claimed.

It is unquestionable that a user cannot be an object to be retrieved. Similarly, a service cannot be an object to be retrieved. As disclosed by Susaki, access rights to services are controlled. However, the services themselves are not retrieved. According to Susaki, only an approval condition is retrieved. Access to the service may be granted based on the retrieved approval condition, but the service is not retrieved. (Col. 3, ln. 11 to col. 4, ln 67 of Susaki.)

Furthermore, Susaki does not discuss retrieval of a file because Susaki is directed to access control of services, not file retrieval. Thus, any reliance by the Office Action on Susaki as disclosing, teaching or suggesting a file identifier is misplaced.

Thus, Susaki fails to disclose, teach or suggest setting an identifier for identifying an object, as recited in claims 1 and 10.

Susaki also does not disclose, teach or suggest performing access control for the object, as recited in claims 1 and 10. The Office Action only asserts that Susaki discloses “performing access control via the access control list and identifier of object” without relating the disclosure to the language of claims 1 and 10. Claims 1 and 10 recite performing access control for the object matching the retrieval condition and the identifier on the basis of the access right.

While Susaki arguably performs access control on the basis of the access right, the access control of Susaki is access control of services, not objects having retrieval conditions and identifiers to match. According to Susaki, access to a service is granted if approval is given, by retrieving an approval condition. The access control disclosed by Susaki does not relate at all to retrieval conditions of objects or identifiers of objects.

Thus, Susaki fails to disclose, teach or suggest performing access control for the object, as recited in claims 1 and 10.

Not only does Susaki fail to make up for the admitted deficiencies of Tada, the asserted combination of Tada and Susaki is improper. Specifically, the Office Action fails to set forth a proper motivation to combine the teachings of Tada and Susaki as required to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a).

The Office Action asserts that a person skilled in the art would have been motivated to combine the teachings of Tada and Susaki “to protect the stored document by performing access control matching the retrieval condition.” Applicant respectfully disagrees.

Neither Tada nor Susaki discloses any such motivation. Neither reference discloses or suggests “performing access control matching the retrieval condition.” The Office Action admits that Tada fails to disclose or suggest performing access control. Further, as discussed above, the access control disclosed by Susaki does not relate at all to a retrieval condition of an object, but only to access control to services based on retrieval of an approval condition,

which is based on the identification information of the user. (See col. 4, lns. 50-67 of Susaki.)

Because Tada does not relate to services, a person skilled in the art would not have been motivated to apply the teachings of access control of services to the systems and methods of Tada. As recognized by the Office Action, Tada relates to retrieval data for document retrieval. However, as discussed above, Susaki does not disclose anything with regard to document or file retrieval.

As such, it is respectfully submitted that the alleged motivation and the asserted combination set forth in the Office Action appear to be based on impermissible hindsight reconstruction using Applicant's claims as a map. Thus, the asserted combination of Tada and Susaki is improper.

In view of the foregoing, it is respectfully submitted that claims 1 and 10 are patentable over the asserted combination of Tada and Susaki. Claims 2-9 and 11-18 are also patentable at least in view of the patentability of claims 1 and 10 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Therefore, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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